

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:19-cv-00269-MR

DAVID EZELLE SIMPSON,)
Petitioner,)
vs.) **ORDER**
FNU McFADDEN, et al.,)
Respondents.)

)

THIS MATTER is before the Court on the Petitioner's Applications to Proceed in District Court Without Prepaying Fees or Costs [Docs. 2, 11]; the Petitioner's Motion to Amend [Doc. 21]; the Petitioner's "Motion to Remove My Attorney from My Case" [Doc. 25]; and the Petitioner's "Petition this Honorable Chief Frank D. Whitney for a[n] Order to Hold This Case in Ab[eyance]" [Doc. 30].

The Petitioner David Ezelle Simpson filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on June 10, 2019, while he was a pretrial detainee at the Mecklenburg County Jail. [Doc. 1]. He filed a second *pro se* Petition on July 1, 2019. [Doc. 10]. Noting that the Petitioner

asserted the same claims in the second Petition as he did in the first, the Court subsequently consolidated these two Petitions. [See Doc. 22].

At the time of the filing of his Petitions, the Petitioner was a pretrial detainee at the Mecklenburg County jail. The Petitioner, however, has now been tried, convicted, and sentenced, and he is now incarcerated as a state prisoner.¹ Claims for habeas relief for pretrial issues are mooted by a subsequent conviction and sentence. Roberts v. Lewis, No. 2:17-453-RMG, 2017 WL 4792217, at *1 (D.S.C. Oct. 23, 2017) (Gergel, J.) (citing Yohey v. Collins, 985 F.2d 222, 229 (5th Cir. 1993)). Therefore, this Court lacks jurisdiction over the Petition, and it must be dismissed. See Jackson v. Clements, 796 F.3d 841, 843 (7th Cir. 2015) (per curiam) (finding § 2241 challenge moot where petitioner was no longer a pretrial detainee at the time of the district court ruling); see also Sharma v. Unknown Respondent, 672 F. App'x 308, 308 (4th Cir. 2017) (per curiam) (citing Jackson with approval).

¹ See <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0370802&searchLastName=simpson&searchFirstName=david&searchMiddleName=e&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1> (last visited Aug. 4, 2020).

IT IS, THEREFORE, ORDERED that the Petitioner's Petitions for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Docs. 1, 10], as amended [Docs. 15, 16, 17, 18, 19, 23], are **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the Petitioner's Applications to Proceed in District Court Without Prepaying Fees or Costs [Docs. 2, 11]; the Petitioner's Motion to Amend [Doc. 21]; the Petitioner's "Motion to Remove My Attorney from My Case" [Doc. 25]; and the Petitioner's "Petition this Honorable Chief Frank D. Whitney for a[n] Order to Hold This Case in Ab[eyance]" [Doc. 30] are all **DENIED AS MOOT**.

The Clerk of Court is respectfully directed to terminate this civil action.

IT IS SO ORDERED.

Signed: August 10, 2020



Martin Reidinger
Chief United States District Judge

